

Submitted February 8, 2006  
Approved As Written  
Date February 8, 2006

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION**  
**MEETING NO. 21-05**  
**Wednesday, November 16, 2005**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, November 16, 2005.

**PRESENT**

**John Britton, Chair**  
**Frank Hilton Gerald Holtz**  
**Steve Johnson Sarah Medearis**  
**Kate Ostell Robin Wiener**

**Present:** Art Chambers, Director, Community Planning & Development Services  
Jim Wasilak, Chief of Planning  
Sondra Block, Assistant City Attorney  
Castor Chasten, Planner III  
Rebecca Torma, Planner II  
Judy Christensen, Historic Preservation Planner

**RECOMMENDATION TO THE BOARD OF APPEALS**

Special Exception SPX2005-00357-00361, Montgomery County Public Schools – for the placement of modular classroom buildings at Richard Montgomery High School, Maryvale Elementary School, Fallsmead Elementary School, Carl Sandburg Special School and Thomas S. Wootton High School.

Mr. Chasten presented an overview of the staff report. Mr. Chasten explained that the modular classrooms were installed in the summer of 2005. Since public schools are permitted in respective residential zones as special exception land uses, installation of modular/portable classroom buildings are deemed expansions of these institutional uses, thus requiring special exception approval.

Wootton High School and Fallsmead Elementary Schools are located in the R-150 (Medium Density Residential) Zone. Richard Montgomery High School, Maryvale Elementary School, and Carl Sandburg Special School are located in the R-60 (Single Family Detached, Residential) Zone and Meadow Hall Elementary School is located in the R-90 (Single Family Detached, Restricted Residential) Zone.

Mr. Chasten stated that based on the information provided, the modular classroom buildings were needed to accommodate the specific needs of the respective schools for the

academic 2005-06 school year. The applicant affirmed that the subject modular classrooms, with the exception of all but one of the five school sites, were installed to accommodate increased student enrollment. The modular building installed at Carl Sandburg Special School was for the purpose to accommodate staffing needs. The building is being used as office space.

The size of the modular classroom buildings installed on the subject school sites range between 864 square feet to 893 square feet and approximately 10 feet in height. These modular classroom buildings accommodate an average of 25 students and a teacher. The building structures are of wood frame and metal construction and are "handicapped accessible" units.

James Song, Director of MCPS Division of Construction provided supplemental and detailed information to the Commission with regard to inspection of the buildings, the reason for additional modular buildings, completion of new Richard Montgomery High School construction, and student enrollment projection.

The Commission raised many questions with regard to the request. Questions related to building and safety code compliance of the modular units, status of any or all inspections conducted by MCPS staff of the units, estimated timeframe the units would be needed at the respective school sites, MCPS scheduled timeframe for renovation and/or reconstruction of the respective schools, and ownership status of portable classrooms.

Mr. Song answered all of the questions to the satisfaction of the Commission.

After further discussion, Commissioner Ostell moved, seconded by Commissioner Hilton to recommend to the Board of Appeals that SPX2005-00357 thru SPX2005-00361 be approved. The motion passed unanimously.

Commissioner Britton asked about the sign-up sheet process. Mr. Wasilak explained that there is no mechanism with which someone can sign up via the website. Staff did advertise the public hearing that citizens are able to call into the Community Planning and Development Services Department and sign up in that way and one person did call the department to get on the sign-up sheet.

Commissioner Britton noted that he received an email this afternoon from David Hill, Chairman of the Hungerford Association regarding some confusion over the Planning Commission hearing date for TXT2005-00217. Mr. Wasilak explained that that was the modification to the RTH procedure that was accompanying the Annexation Petition and the RTH initial application. At the last meeting, there was a briefing on all three of those applications as they relate to the Wink's property.

In response to Commissioner Britton, Mr. Wasilak stated that based on feedback and discussion that occurred at the last meeting, the applicant, was looking at some potential modifications to the plan, so it is not on the agenda this evening. Mr. Wasilak also noted that staff did realize based on Mr. Hill's comment that there was some confusion about the

text amendment public hearing, so staff sent out an email today to all the association presidents making them aware that the RTH Staff does expect to have it come forward at one of the Commission's December meetings. Notifications and public outreach will be conducted as before.

## **PUBLIC HEARING**

**Lincoln Park Neighborhood Plan** – new neighborhood plan for (Planning Area 6) to replace the 1984 Lincoln Park was actually not on the agenda this evening. Letters will be sent to everyone with the new process outline. Neighborhood Plan. The area is bounded generally by the Metro/CSX tracks on the west, Ashley Avenue on the north, North Horners Lane on the east and Lincoln Avenue on the south.

Mr. Wasilak stated that this planning area is the smallest planning area and consists almost entirely of residential land area. He said this is a very significant community with regard to the City and to Montgomery County in that it is one of the original primarily African American communities that developed over time. Staff hopes that the plan has captured that essence and has done it justice.

Mr. Wasilak stated that there are implications of that with regard to land use that they hope they have addressed. They hope to preserve the character that is part of the essence of Lincoln Park. One of the issues that they heard was that the properties surrounding the neighborhood were really developed over time, essentially encroaching on the neighborhood and being developed with incompatible land uses. So to the degree that they could, they recommend some changes in land use that would make those properties more compatible and more integral with the community.

Mr. Wasilak discussed many of the residents' concerns regarding circulation patterns protection of the environment, physical and cultural heritage of the community, and a change in land use, specifically regarding the Wink's property, from its current industrial zone in Montgomery County to residential in the City and it can be developed for single family homes compatible with Ashley Avenue and then in filled with town houses on the remainder of the land. A similar recommendation is for the MCPS Materials Management Facility on North Stonestreet and that single-family homes would be fronting the homes that exist on North Stonestreet with townhouses filling in.

Mr. Wasilak further discussed the plan with regard to zoning changes, pipestem lots, redevelopment, traffic calming measures, and the public hearing and notification process regarding these Plans as well as continuing the public hearing to the next two Commission meetings (December 7 and 14) with the expectation of a resolution at a January 2006 meeting.

The Commission discussed concerns regarding street network, and cut-thru traffic in the neighborhood.

Ms. Christensen answered questions from the Commission. She explained that there is a great relationship between conservation districts and historic district. They are both overlay districts. They both keep the underlying zoning and they have nothing to do with use. However, quite often in historic districts, architecture is a big feature. As a result, a district is designated and architecture is a key component of that district. However, in this case, staff and the Lincoln Park committee felt that this area was not a cohesive architectural area. It certainly qualifies as a historical and a cultural historic district. Ms. Christensen stated that they intend to nominate it to the National Register on those grounds. She noted that when that was realized, the committee also wanted to make it reasonable and make it very easy for people to renovate their houses to improve their properties to add additions, etc. because they want to keep the houses that are there. Therefore, if they do a conservation district, they simply have a different set of guidelines and standards. That is really the difference.

The following citizen testified:

Charles Haughey, 1000 Aster Boulevard, stated that he is the Vice President of the Board of Education for Montgomery County as well as an alumnus of the Planning Commission. Mr. Haughey stated that he would like to comment on the draft Lincoln Park Neighborhood Plan as it pertains to the Board of Education's land holdings along Stonestreet Avenue. Mr. Haughey said that they fully support the draft recommendations to eliminate the current industrial uses of the 12.32 acres they own and redevelop that property for residential purposes. This would allow the County to relocate their warehouse facilities to a more appropriate location while providing a residential component in keeping with the vision the City and the neighbors have for the Board of Education's land. Mr. Haughey noted that the Board is negotiating with Centex Homes to find ways to develop that property in exchange for providing the school system with a new warehouse facility in an area zoned for industrial use. This is an exchange agreement to be contingent on the value of the property that the property can yield as part of a development plan. The Montgomery County School staff and Centrex Homes held a series of meetings in the Lincoln Park community and others at the community center there to discuss redevelopment concepts for this land directly with the community. Out of that series of meetings, an idea emerged to tie in redevelopment of the property for the adaptive use or reuse of the former Lincoln High School that is owned by the Montgomery County government. Mr. Haughey stated that the community expressed a desire to see the former Lincoln High School site reopened for community purposes that honor our common interests in six areas. First, the historic preservation of that building and its environmental setting. Second, commemoration of its educational legacy. Third, providing historic exhibition space. Fourth, providing community meeting space. Fifth, offering classes related to the historic of black education in the County, and sixth, providing space for incubation of a science center.

Mr. Haughey further discussed future meetings with the community and plans for reopening the Lincoln High School as a community facility. He noted that the next meeting with the community is scheduled for November 22, 2005.

Commissioner Ostell commented that the density that the school department is proposing is significantly different from what the neighborhood plan is developing. She asked what kind of flex downward might exist in terms of Centex and what they need. Mr. Haughey replied that he would hold that as a prospect for specific plans as they develop, but the trend in utilization has been emphatically downward from the initial plans proposed. They are now getting much closer to the 8 unit per acre guideline and he has not been directly apart of those negotiations, but, he knows that the Commission would be able to better react to a specific plan than to a kind of nebulous goal. Mr. Haughey noted that they did want to put this in front of the Commission, as a present goal to indicate there is progress and that they are still working out what they hope would be an attractive proposal to bring to the City.

After further discussion, Jody Kline, Attorney with Miller, Miller & Canby stated that he and his team represents Centex, but essentially, this presentation is a joint presentation on behalf of the Board of Education and Centex.

Mr. Kline pointed out that the aerial photograph of the site shows an interesting combination of what is going on. He said that the subject property is covered by three separate city master plans, which show a convergence of interests in what is going on this property. Mr. Kline discussed the proposal for the Lincoln High School and developing it in conjunction with the Lincoln Center property. This high school has a tremendous cultural and heritage meaning to the community and could be developed in a way that it would create a community oriented neighborhood and a culturally oriented center that would add to the sense of the community beyond which one could get from the physical improvements. Mr. Kline stated that the Commission has more flexibility so that the two properties would be able to have a residential development that would actually be able to contribute and be a driving force of being able to get the Lincoln High School upgraded to become this community's oriented hub within the neighborhood.

The following citizen testified:

Barbara Hill-Talley, 11 Martins Lane, stated that she is with the United Black Culture Center. She asked if the plans would be discussed at the November 22, 2005 open forum at the Lincoln School because the community wants to make some recommendations. Mr. Kline stated that all information would be shared and disclosed to the public.

Janice Turpin stated that she is the real estate management team leader for Montgomery County Public Schools. She said they are initiating the meeting on November 22 at 6:00 p.m. with Centex. They plan to hold the meeting in the warehouse facility directly across the street from the old Lincoln High School. Ms. Turpin stated that they plan to send out agendas to those who are interested with further information.

**Lincoln Park Conservation Plan** – for new residential development standards in Lincoln Park to preserve neighborhood character.

Judy Christensen presented the draft Lincoln Park Conservation Plan. Ms. Christensen presented a history of meetings with the Lincoln Park Committee, character of the neighborhood, setbacks, lot sizes, standards for new construction such as height and width and height and width of existing buildings and new street standards for Lincoln Park. She said that the purpose of the Lincoln Park Neighborhood Conservation District Standards is to preserve the existing character of the streetscape and community. Ms. Christensen stated that, traditionally, residential structures were sited on lots in a way that emphasized a progression of public to private spaces. Streetscapes led to sidewalks, sidewalks to yards and front walkways, which led to porches and the private spaces within a house. In some instances, fences were used at the edge of the yard to further define these spaces. Preservation of these progressions is essential to the preservation of the residential character of structures and of Lincoln Park. Street trees and rear yard trees are also part of the neighborhood character. Front lawns with walkways to an entry door, often with a covered porch, define the sites in Lincoln Park.

The size, height, massing and location, or setbacks from the property lines, of structures on buildings lots are also character traits of Lincoln Park.

Ms. Christensen stated that the significance of Lincoln Park to Rockville and Montgomery County is great, but is largely historic and cultural. The committee therefore did not want the level of oversight used to protect architecturally significant historic districts. Staff has determined that some individual houses, in fact, there is one coming up, and perhaps some blocks may be eligible for historic designation, but these could be done in the future.

Ms. Christensen further discussed creative house design, properties designated to be on the National Register.

Ms. Lucinda Hall, 210 Elizabeth Avenue, stated that she was the Chair of the Lincoln Park Neighborhood Preservation Committee. She said the committee fully supports the approval and implementation of the Lincoln Park Neighborhood Plan as well as the Conservation Plan. Ms. Hall stated that their residents are hardworking individuals; many are federal employees or retirees. They share the same aspiration for Lincoln Park as residents in other communities in Rockville, regardless of their educational employment background. Ms. Hall stated that it has been their intention and hope that Lincoln Park be a place where families can prosper in a safe and secure environment with a quality of life equal to that of any other neighborhood in Rockville. They feel that preserving their sense of history, community, hard work and shared values are the way to accomplish this. This plan is specific to Lincoln Park. It has no effect on adjacent neighborhoods. Each neighborhood in Rockville has its own history and aspects of that history that make it unique. Lincoln Park was established as an African American community and the first in Montgomery County were African Americans in Rockville and particularly of the areas of what is now Town Center have been lost forever.

The Commission and staff further discussed concerns regarding historic preservation of Lincoln Park, comment sheets from the citizens regarding the plans, and historic designation of the houses in Lincoln Park.

**Annexation Petition ANX2005-00138, Westmore Development LLC and Meadow Lo Corp.** – for the annexation of 10.51 acres of land located at 950 North Stonestreet Avenue into the corporate limits of Rockville, with 10.05 acres to be zoned R-60 (One Family Detached, Residential) and .46 acres to be zoned I-1 (Service Industrial).

Ms. Torma presented the staff report. She discussed the annexation process and brought the Commission up to date on the application. She said that the underlying zone would be R-60.

In response to Commissioner Ostell, Ms. Torma stated that there is approval in the County for a parking lot and as soon as this property is annexed, assuming it is annexed at R-60, than that is the end of the parking proposal.

Jody Kline explained that when a piece of property is annexed, there are essentially two ways to do it. The property owner can ask to have his property annexed into the City, and the City can bestow a zone on it at the time the property is annexed into the City, or, the property owner knows what he can do in the County, but he would like to do something that he believes is more advantageous for both himself and the City.

Mr. Kline explained that it is very important that the property owner knows that the annexation would be approved and that there would be enough density on the property. Because, it would not be in the property owner's best interest to go forward if that is not the case.

The Commission discussed the process of the application and those who would be testifying this evening.

The following citizens testified:

1. Gail Koenig, 227 Ashley Avenue, read her letter to the Commission regarding her position on the annexation and future development of the subject property. She said that she strongly supports the annexation that has been filed relating to the Winks' property. She said she understands that the property is under contract with Centrex Homes and the proposed development by Centrex would provide for 22 single-family detached homes and 65 townhouse lots, including 11 Moderately Priced Dwelling Units (MPDUs). Ms. Koenig noted that she reviewed the Conceptual Plan A and believes that the annexation of the property with the development of the property is appropriate. She said she lives across the street from the property and she and other residents on Ashley Avenue are the most affected by the development of the Wink's property.

Ms. Koenig also read a letter written by her neighbor, Edith Gordon, who also supports the annexation and the proposal to develop the property with residential homes.

Commissioner Britton urged all interested citizens to submit something in writing if they have a viewpoint, or would like to express their opinion about the subject property. He

also encouraged the citizens to appear before the Commission and the Mayor and Council when issues come before them.

In response to Commissioner Johnson, Ms. Koenig stated that not a single resident on Ashley Avenue opposes the annexation and proposed development of the property. Ms. Koenig stated that the proposed plan began with 200 units on the property and it is now down to approximately 80 units. There has been a tremendous change in redesign and a lot of work has gone into the plan.

2. Fran Hawkins stated that she is the President of the Lincoln Park Civic Association and the residents have been meeting with the owner of the property for years and they do support the proposed homes going in that area. Ms. Hawkins stated that they want the proposed homes to stabilize the community.

In response to Commissioner Holtz, Ms. Hawkins stated that they have had many discussions about the traffic and the parking in that area and because anything else would have to be industrial. Ms. Hawkins talked about the history of her shrinking community. She explained that the industrial community was encroaching on Lincoln Park and, yes, they definitely want houses on that parcel of land.

Commissioner Ostell questioned whether the community would oppose a slightly lower density. Ms. Hawkins replied that they would have to discuss that with the members of the Lincoln Park Civic Association and the residents on Ashley Avenue.

Robert Reiver, owner of Westmore Development. He noted that he was not be able to attend the November 2, 2005 meeting, therefore, he did not have the opportunity to come before the Commission at that time. Mr. Reiver presented a background history with respect to the property. He said he was a minority partner in this company and took over the control of the company in March 2003 because the management of that company would not seek residential use and as a result, after taking over the property, he was approached by Mark Pence, City Manager at that time, to see if he would consider residential use for this property. After contemplation of the possibility of residential for the property, he contacted many builders to see if they would be interested in pursuing this idea, Pulte was interested, but wanted more density. Mr. Reiver explained that, after two years of meeting with the residents of Lincoln Park and searching for a builder, Centrex came on board and submitted a plan, which was submitted to staff. The Plan has been shown to the residents of Ashley Avenue and the neighborhood. Now, there are some key issues to be resolved, such as an annexation, a text amendment, and rezoning of the property. He said he is sympathetic with everyone's interest to go with a residential use. Mr. Reiver stated that he would attend the Commission's December 7<sup>th</sup> meeting with the new plan and hopefully they can go forward because he really believes that this project not only would be a benefit to the community, but it complies with the City's Master Plan.

The Commission discussed concerns about the plan, how appropriate it would be to have residential next to industrial, density, landscaping to buffer the residential from industrial,

and environmental issues regarding the suburban propane tanks that are located in the industrial area.

3. Virginia Cooper, 205 Ashley Avenue, stated that she has lived on Ashley Avenue for 40 years. She noted that she would love to see houses on the property, preferably single-family homes. She talked about additional traffic if the houses were built. She said the traffic would hopefully be from the citizens, not from the big trucks hauling other cars and coming through residential to go to the industrial places. There has been destruction from the trucks and heavy traffic.

Ms. Koenig spoke on the traffic issue. She said that the Lincoln Park Plan included some traffic circles and some various measures to help alleviate that problem. She stated that traffic is a serious problem and it is not going to go away, but the Lincoln Park people are certainly looking at that whole area. They want to be able to channel the traffic differently to slow it down in order to make it very difficult for the big nasty trucks to get through the neighborhood. Ms. Koenig noted that the traffic issue would be addressed in that plan.

4. Linda Ekizian, President of the East Rockville Civic Association stated that the Association met last night to discuss the Wink's property. She shared the comments from the community such as traffic, overcrowding of schools, forest conservation easement with the subject property, and rezoning of the property.

Mr. Reiver provided some information on the conservation easement. He explained that the previous managing partner of Westmore, the company used to be called Rankin Development. When he took it over, according to the settlement agreement, he had to amend the name. The prior managing partner never executed a conservation easement in accordance with the approved plans with Montgomery County. Those plans are still in effect. Mr. Reiver said that when this was brought to his attention, at a Development Review Committee meeting, approximately six to eight weeks ago, he contacted the person in charge of the conservation easements at Park and Planning and he has not received any response. Mr. Reiver stated that he does believe the conservation and the tree preservation is most important.

After further discussion, Commissioner Britton informed the audience that for the next session, and this is the very reason why they extended the public hearing because a number of issues have arisen this evening and it is good to think about them, obtain more information and digest that for the next time.

## **COMMISSION ITEMS**

### **Chief of Planning Report**

Mr. Wasilak reported that at the December 7 meeting, along with the Lincoln Park plan, there will be a detailed application, Tower Oaks, for the hotel/office building and fitness center.

**Minutes**

Commissioner Johnson moved, seconded by Commissioner Holtz to approve the minutes of Meeting No. 16-05 as written. The motion passed unanimously.

**ADJOURN**

After further discussion, the meeting adjourned at 9:31 p.m.

Respectfully submitted,

---

Tyler Tansing, Commission Secretary